



California Regional Water Quality Control Board

Central Coast Region



Linda S. Adams
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

August 5, 2009

BY ELECTRONIC AND REGULAR MAIL

Murry Wilson
mwilson@co.slo.ca.us
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408

Dear Mr. Wilson:

RE: GRADING AND STORMWATER MANAGEMENT REVISIONS – GENERAL PLAN AMENDMENT AND LAND USE ORDINANCE AMENDMENTS, SAN LUIS OBISPO COUNTY; WATER BOARD RESPONSE TO NOTICE OF PREPARATION; SCH# 2009071013

Thank you for the opportunity to review the subject document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA).

The proposed project will modify portions of the County of San Luis Obispo's (County's) ordinances, policies, and plans to incorporate requirements from the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit), incorporate requirements from the General Permit for the Discharge of Stormwater from Small MS4s (Municipal General Permit), clarify thresholds for when grading permits are required, and make other modifications. The project applicant proposes to use the County's Stormwater Management Plan (SWMP) as one of the referencing documents. However, the County's current SWMP does not meet the maximum extent practicable standard.

In a letter dated March 3, 2009 (Attachment), Water Board staff required the County modify their SWMP to ensure that the SWMP reduces the discharge of pollutants to the maximum extent practicable and protects water quality. We required the County submit a revised SWMP with their Fiscal Year 2008/2009 Annual Report in June 2009. The County has not yet revised their SWMP. Water Board staff expects the County Planning and Building Department ensure the ordinance updates and General Plan amendments address the SWMP measures outlines in the County's SWMP, as well as the required revisions outlined in the Water Board Executive Officer's March 2009 letter. The required SWMP revisions include, but are not limited to, measures to

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manage post-construction runoff volumes, flows, durations, and quality and measures to conduct long-term watershed planning. Please reference pages nine through fourteen in the attached Water Board Executive's Officer's March 3, 2009 letter requirements for developing interim and long-term hydromodification control criteria, establishing the framework to implement the control criteria, and conducting long-term watershed planning. Also, please reference the attachments to the Water Board Executive Officer's March 3, 2009 letter for more details about expectations for these requirements. Water Board staff recommends the County Planning and Building Department coordinate with the County Public Works Department to ensure the proposed project includes the most updated measures to manage stormwater.

The Count must manage their lands using a watershed-based approach. Water Board staff recognizes that the effects of an urban-modified hydrograph demand a more integrative approach to hydrology, geomorphology, biology, engineering, and land use in urbanizing areas – an approach that goes beyond the site scale and embraces the watershed scale. Whole watershed protection aims to preserve and protect stream channels, riparian areas, wetlands and aquatic habitats, and groundwater resources while a variety of land uses, including urban development, continue in the watershed. Such watershed-scaled protection requires integration and incorporation of multiple control measures that support healthy watersheds into all aspects of land use planning and development.

The above process requires the County to plan and coordinate with other entities in their watershed and to design for future growth to ensure healthy watersheds over the long term. Critically, the County must identify strategies for conducting watershed-based planning that yield control measures beyond the site-specific or individual project scale. Watershed-based planning may indicate, for example, that development should be restricted within areas close to streams to protect identified sensitive habitat, take advantage of high value stream recharge zones, or prevent potential downstream hydrologic impacts.

If you have questions, please contact **Tamara Presser at (805) 549-3334 or via e-mail at Tpresser@waterboards.ca.gov**, Phil Hammer at (805) 549-3882 or via e-mail at PHammer@waterboards.ca.gov.

Sincerely,



Roger W. Briggs
Executive Officer

Mr. Murry Wilson

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August 5, 2009

Enclosure

Attachment: Central Coast Water Board's March 3, 2009

Cc:

Mark Hutchinson: mhutchinson@co.slo.ca.us

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Environmental Protection

California Regional Water Quality Control Board

Central Coast Region

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Arnold Schwarzenegger
Governor

March 3, 2009

BY ELECTRONIC AND REGULAR MAIL

Mark Hutchinson
mhutchinson@co.slo.ca.us
County of San Luis Obispo
County Government Center, Room 207
San Luis Obispo, CA 93408

Dear Mr. Hutchinson:

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II MUNICIPAL SEPARATE STORM SEWER SYSTEM — REVIEW OF SAN LUIS OBISPO COUNTY STORMWATER MANAGEMENT PROGRAM 2008 ANNUAL REPORT, WDID #3 430MS03014

Central Coast Regional Water Quality Control Board (Water Board) staff received the County of San Luis Obispo's (County) Stormwater Management Program (SWMP) annual report for Fiscal Year (FY) 2007/2008. Water Board staff recognizes the County's efforts to comply with the Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit (General Permit). Water Board staff finds that the County's SWMP is a comprehensive program that shows good progress toward compliance with the General Permit.

The purpose of the annual report is to provide a summary of the County's stormwater management activities, an assessment of the SWMP effectiveness and its compliance with General Permit conditions, and a summary of the stormwater management activities the County plans to undertake in the next reporting cycle, including any proposed changes to the SWMP. Water Board staff has developed comments on the County's annual report to improve the SWMP document, SWMP implementation, and annual report content to satisfy General Permit requirements.

Please review this letter closely, as the issues listed below require further action. There are three types of comments: required changes so the County corrects violations of the General Permit, required changes so the SWMP meets the Maximum Extent Practicable standard (MEP), and recommended SWMP and annual report improvements. The County must respond to and make all required changes by the due date specified in each required revision.

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Overall Program

A. Establishment of Measurable Goals

Issue: Some Best Management Practices (BMPs) do not include measurable goals, or have goals which are not quantifiable. Failure to describe measurable goals for each BMP is a violation of General Permit Section D.2.

Action Required: The General Permit requires MS4s to include SWMP updates (section F.1.g) in the annual reports. **By the next annual report**, the County must evaluate each BMP to ensure that it has an associated measurable goal. **By the next annual report**, modify or add measurable goals to all BMPs that the County has identified as having insufficient measurable goals. According to the General Permit, measurable goals are definable tasks to measure compliance and completion. The MS4 must clearly differentiate between completion measures and effectiveness measures. For measurable goal guidance, refer to the following Environmental Protection Agency (EPA) website: <http://cfpub1.epa.gov/npdes/stormwater/measurablegoals/index.cfm>.

B. Assessment of Program Effectiveness

Issue: General Permit Section F.1 requires MS4s to annually assess the appropriateness and effectiveness of their BMPs. The County's BMPs do not include adequate measures to evaluate effectiveness to meet this General Permit requirement. Most often the County's effectiveness measures are a verification of completion or quantification of implementation of the BMP in the description column. The County's effectiveness measures typically do not measure how effectively each BMP is protecting water quality. Each BMP must include measures of completion, as described in the previous required revision, but each BMP must also include measures of effectiveness as it relates to protecting water quality. Completion measures may be more appropriate in a separate column; consider creating two separate columns with titles such as *Measurable Goals and Outcomes* and *Effectiveness Measures*.

The County uses six "outcome levels," identified by the California Stormwater Quality Association (CASQA) to identify the effectiveness of each BMP. Yet the SWMP does not include sufficient effectiveness measures for each BMP to determine outcome levels, in most cases, any higher than Level 2. Failure to describe the effectiveness of each BMP in reducing stormwater pollution to the MEP is a violation of General Permit Section F.1.b.

Action Required: The County shall reevaluate each BMP and revise the SWMP to include a strategy for evaluating program effectiveness. Include the strategy **in the next annual report** as part of a SWMP update. The strategy should include the following elements:

- Identification of a target outcome level appropriate for each BMP, keeping in mind that the purpose of the SWMP as a whole is to achieve Level 6, "Protecting Receiving Water Quality."



- Development of a schedule for increasing the effectiveness of each BMP to its target outcome level over time, with the goal of achieving the target outcome level by the end of year five.
- Development of effectiveness assessment measures for each BMP that will allow the County to determine whether the BMP is achieving its particular (interim and target) outcome level.
- Evaluation of BMPs in successive annual reports according to the effectiveness measures and outcome levels identified through this strategy.
- Evaluation of the appropriateness of BMPs for reducing pollutants in stormwater to the MEP and protecting water quality, and replacing or discontinuing BMPs which are deemed ineffective.
- Evaluation of effectiveness assessment measures and replacing them as necessary.

C. Analysis of Collected Information and Monitoring Data

Issue: Water Board staff uses the County's annual reports to help verify the County is implementing the commitments they have outlined in their SWMP. The County must include documentation in their annual reports to help illustrate General Permit compliance and SWMP implementation. The County has organized their annual report to include results and analysis of collected information in Part (b) of each BMP in the annual report. In the FY2007/2008 annual report, the County references most documentation in attachments. In most cases the County includes a sample of a product resulting from a BMP activity, but the County does not analyze the effectiveness of the presented information or provide a narrative to give meaning to the results. For example, in Part (b) of BMP PE16 in the annual report, the County references Attachment 15 to show photos of public events the County participated in during FY2007/2008. These photos help verify that the County participated in public events, but they don't help Water Board staff determine the effectiveness of the County's displays or the effectiveness of the County's participation at these events in educating the public on water quality issues.

Action Required: In future annual reports, provide a brief analysis of the collected information and/or monitoring data to give meaning to the referenced attachments.

D. Total Maximum Daily Loads

Issue: In addition to identifying specific BMPs to address the Morro Bay Pathogen Total Maximum Daily Load (TMDL), the Morro Bay Sediment TMDL, the San Luis Obispo Creek Pathogen TMDL, and the San Luis Obispo Creek Nutrient TMDL, attaining wasteload allocations through the implementation of SWMPs will require planning and assessment efforts by the County. Moreover, TMDL compliance schedules often span decades, necessitating a carefully planned approach to achieving wasteload allocations. As such, we expect the County to develop Wasteload Allocation Attainment Plans for the four TMDLs previously mentioned.

Action Required: The County must include the Wasteload Allocation Attainment Plans in the FY2009/2010 annual report as part of a SWMP update. The County



should append the Wasteload Allocation Plans to the SWMP and incorporate, where appropriate, new BMPs and other SWMP modifications identified in the Wasteload Allocation Plans into SWMP updates.

We expect the Wasteload Allocation Attainment Plans to be thorough plans designed to guide the implementation of activities that will achieve TMDL wasteload allocations. In many cases, municipalities and the Water Board have already made progress during the TMDL development process on some of the tasks necessary for development of Wasteload Allocation Attainment Plans. TMDL Project Reports and Resolutions can provide useful information during the development of the Wasteload Allocation Attainment Plans. Review the following for the expected principle components of the Wasteload Allocation Attainment Plans:

1. A detailed description of the County's strategy for BMP selection, assessment, and implementation, to ensure that implemented BMPs will effectively abate pollutant sources, reduce pollutant discharges, and achieve wasteload allocations according to the schedule of each TMDL.
2. Identification of sources of the impairment within the County's jurisdiction, including specific information on various source locations and their magnitude within the jurisdiction.
3. Prioritization of sources within the jurisdiction, based on suspected contribution to the impairment, ability to control the source, and other pertinent factors.
4. Identification of BMPs that will address the sources of impairing pollutants and reduce the discharge of impairing pollutants.
5. Prioritization of BMPs, based on suspected effectiveness at abating sources and reducing impairing pollutant discharges, as well as other pertinent factors.
6. Develop a more detailed BMP implementation schedule. For each BMP, identify any milestones the County will use for tracking implementation and any measurable goals the County will use to assess implementation efforts. Expected BMP implementation for the future implementation years should be included to the extent possible, with the understanding that future BMP implementation plans may change as new information is obtained.
7. An analysis exhibiting the connection between BMP implementation and wasteload allocation attainment, based on the expected wasteload reductions attributable to the planned BMPs.
8. A more detailed description, including a schedule, of the monitoring program the County plans to implement or use to assess discharge and receiving water quality and BMP effectiveness. At a minimum, the water quality monitoring program should be consistent with any monitoring program information included in the TMDL documentation.
9. A detailed description of how the County will assess BMP and plan effectiveness. The description should incorporate the assessment methods described in the California Stormwater Quality Association's *Municipal Stormwater Program Effectiveness Assessment Guide*.
10. A description of how the County will modify the plan to improve upon BMPs that the effectiveness assessment highlights as ineffective.



11. A detailed description of information the County will include in annual reports.¹
12. A detailed description of how the County will collaborate with other agencies, stakeholders, and the public to develop and implement the Wasteload Allocation Attainment Plans.
13. Any other items identified by TMDL Project Reports or Resolutions or currently being implemented to address TMDL provisions.

We plan to work closely with you during development of your Wasteload Allocation Attainment Plans. Upon receipt of the Wasteload Allocation Attainment Plans, we will review the plan, provide comments, and work with you to modify the plans, if necessary. We will review the Wasteload Allocation Attainment Plans for the items above, as well as the overall likelihood of the plans ultimately achieving the TMDLs' wasteload allocations according to the schedule outlined in the TMDLs. This standardized process of development, implementation, assessment, and review of the Wasteload Allocation Attainment Plans will provide the greatest likelihood for attainment of the TMDLs' wasteload allocations.

E. Stormwater Activities Planned for Next Reporting Cycle

Issue: In Part (c) of each BMP the County does not always provide a sufficient summary of the stormwater activities they have planned for the next reporting cycle. Failure to describe the stormwater activities the County plans to undertake during the next reporting cycle is a violation of General Permit Section F.1.e.

Action Required: In future annual reports, provide a more thorough summary of the activities the County plans to complete over the next reporting cycle. Although the implementation schedule is outlined in the SWMP, the County must also explain specific examples of their planned activities in the annual report. This will provide the public and Water Board staff with more information about how the BMPs will help decrease stormwater pollution to the MEP. Part (c) of BMP PE16 demonstrates a good example of outlining future BMP implementation plans.

F. Report Format

1. Attachments

Issue: The organization of the attachments in the annual report is confusing. There are multiple incidents throughout the SWMP where attachments reference other attachments. This makes referencing attachments a confusing process.

Action Required: In future annual reports, when numbering attachments, do not make an attachment that references a previous attachment for its contents. For example, Attachments 19 and 24 reference Attachments 14 and 15 for their information. Instead, all of these references could have been included in one

¹ Wasteload Allocation Attainment Plans, annual reports, and related documents are expected to be used by Water Board staff to assess TMDL implementation (e.g., TMDL Triennial Reviews).



attachment labeled, Attachment 14. In the report text, simply reference the original attachment that contains the needed information.

2. Header

Issue: The date printed in the header of numerous pages throughout the report is incorrect.

Action Required: In future annual reports, ensure all dates are correct.

3. Page Numbers

Issue: The report pages are not numbered.

Action Required: Include page numbers in future annual reports.

MCM #1: Public Education and Outreach

A. Public Opinion Surveys

Issue: There are no substantial conclusions made about the effectiveness of the County's stormwater pollution prevention public education and outreach program based on the results of the telephone survey.

Action Required: In the next annual report, explain the conclusions the County has reached based on the results of the telephone survey. Water Board staff concurs with the proposed modification to PE2.

B. Pollution Prevention Printed Materials

Issue: In the explanations of the County's progress for BMPs PE6, PE7, PE8, and PE12, the County does not specify the status of providing pollution prevention printed materials for commercial, industrial, and tourist audiences in any measurable terms.

Action Required: In the next annual report, please specify what percentage of the County's distribution goal has been completed thus far in the County's implementation of BMPs PE6, PE7, PE8, and PE12.

C. Educational Programs for School-Age Children

Issue: In BMP PE10C, the County does not specify if they have reached their goal of providing Sammy's Kid's Club materials for all children pre-school through grade six enrolled in public schools within the permit coverage area.

Action Required: In the next annual report, specifically address the status of BMP PE10C using measurable goals.

D. Distribution of School District Materials

Issue: Water Board staff has noted the County's comments in BMP PE10B and understands the difficulty of obtaining permission from the School District to distribute these materials.



Action Required: In addition to reporting difficulties, include alternative plans to overcome these difficulties, in future annual reports.

E. Collaboration with Cal Poly

Issue: The annual report table in the Executive Summary titled, 'Year One Implementation Status at a Glance,' notes that BMP PE11 requires change. It is unclear what changes the County expects to make.

Action Required: In the next annual report, describe the expected changes the County plans to make for BMP PE11.

F. Stormwater Pollution Prevention Website

Issue: The text of BMP PE13B omits the number of times the website has been viewed since March 2007.

Action Required: Please correct this omission in future annual reports.

G. Pet Waste Management

Issue: BMP PE18D states that the County intends to distribute pet waste management brochures at animal shelters, pet stores, veterinarian offices, etc. The annual report describes that the County only distributes these materials at public events. Only distributing pet waste materials at public events does not fulfill the requirements of BMP PE18D.

Action Required: In the next annual report, explain why the County has not yet implemented BMP PE18D as it is outlined in the SWMP and explain what changes the County will make to the implementation schedule to ensure the objectives of BMP PE18D are completed.

H. Sammy the Steelhead

Issue: BMP PE22A does not include an explanation. A picture alone does not sufficiently explain the status of a BMP. In addition, no general summary is given for this section.

Action Required: In the next annual report, include a written description of the status of the measurable goals for BMP PE22A. For consistency, please include a general summary for this BMP.

MCM #2: Public Involvement/Participation

At this time, Water Board staff does not have comments on Minimum Control Measure (MCM) #2 Public Involvement/Participation.



MCM #3: Illicit Discharge Detection and Elimination**A. Signage Prohibiting Illegal Dumping**

Issue: BMP IL8 states that enforcement of illegal dumping on roadways is difficult due to staffing and coverage issues. Water Board staff has taken note of these issues. However, the County has not proposed any plans or goals to make BMP IL8B more effective at preventing stormwater pollution. Regardless of these issues, the annual report must adequately describe proposed changes to the SWMP if the current BMPs are not effective.

Action Required: In the next annual report, the County shall propose modifications and include an implementation timeline for BMP IL8B to more effectively prevent illegal dumping and stormwater pollution.

B. Promotion of Recycling and Hazardous Waste Programs

Issue: BMP IL9B does not explain how the County will coordinate with the Integrated Waste Management Authority (IWMA) to effectively distribute the information included in Attachment 30. Additionally, the annual report does not detail how the County will coordinate with the IWMA to reduce the use of plastic shopping bags in the County and to reduce the use of non-recyclable food and beverage containers.

Action Required: In the next annual report, detail how the County's stormwater program is coordinating with the IWMA to educate the public on proper recycling and household hazardous waste disposal.

MCM #4: Construction Site Stormwater Runoff Control**A. Erosion Control Plan Approval**

Issue: The County does not include in the SWMP or annual report the approval criteria used by County Development Services for the Erosion Control Plans or Stormwater Pollution Prevention Plans.

Action Required: If the County has a formal checklist for reviewing Erosion Control Plans and Stormwater Pollution Prevention Plans, or another standard document, please include as an attachment, referenced in BMP CON2A, in the next annual report.

B. Public Education and Outreach Program for Construction Site Runoff Controls

Issue: BMP CON4C states that the County will measure and record the number of permittees receiving education and outreach materials to ensure that 100% of the applicable applicants receive educational materials. According to the explanation in CON4A, the County has not completed this goal.

Action Required: In the next annual report, the County must include an implementation schedule which outlines completion goals and any necessary changes needed to fulfill the activities outlined in BMP CON4C.



MCM #5: Post-Construction Stormwater Management**A. Hydromodification Control Criteria**

SWMPs must include BMPs to control the modification of watercourses caused by changes in land use (i.e. "hydromodification controls") in order to meet the MEP standard. Water Board staff explained its expectations for hydromodification control in two letters (see Attachments 1 and 2) sent to other Phase II communities in the Central Coast Region in 2008. These requirements are summarized briefly below:

- Rainfall surface runoff at pre-development levels,
- Watershed storage of runoff (through infiltration, recharge, baseflow, and interflow) at pre-development levels,
- Watercourse geomorphic regimes (including stream bank stability and sediment supply and transport) within natural ranges,
- Optimal riparian and aquatic habitats,
- Protection of riparian areas, wetlands, and their buffer zones, and
- Long-term watershed protection.

Issue: The SWMP does not include a plan for developing long-term numeric hydromodification control criteria. Water Board staff expects the County to develop and implement numeric hydromodification control criteria.

Action Required: By the next annual report, revise the County's SWMP to include a BMP describing how the County will develop long-term hydromodification criteria and control measures, as part of a Hydromodification Management Plan, based on a technical assessment of the impacts of development on the County's watersheds. The BMP must include a schedule for developing long-term hydromodification control criteria, **by the end of Year 5, or by March 22, 2012**. An adequate technical assessment will address the following:

- Hydrograph modification (flow volume, duration, and rate);
- A wide range of flow events and continuous flow modeling;
- Effects of imperviousness;
- Evaluation of downstream affects (stream stability);
- Buffer zone requirements; and
- Water quality impacts.

The assessment should result in:

- Numeric criteria for runoff rate, duration, and volume control for new development and significant redevelopment projects;
- Numeric criteria for stream stability impacts for new development and significant redevelopment projects;
- Identification of areas within the County where these criteria must be met;
- Specific performance and monitoring criteria for installed hydromodification control infrastructure;
- Riparian buffer zone requirements; and



- Appropriate hydromodification control measures such as low impact development concepts, on-site hydrologic and water quality controls, and in-stream controls.

Identify the key steps in the process that will be used to develop the Hydromodification Management Plan. Examples of steps that should be considered include:

- Development of problem statement and objectives;
- Review of literature and data availability;
- Characterization of watershed and future development patterns;
- Determination of assessment methodology;
- Development of criteria and guidance; and
- Development of an implementation strategy.

B. Interim Hydromodification Control Criteria

Regulated MS4s must adopt interim hydromodification control criteria as a step toward establishing long-term hydromodification criteria. Water Board staff's requirements for interim hydromodification control are explained in the Attachments to this letter.

Issue: The SWMP does not include a plan for developing interim hydromodification control criteria.

Action Required: By the next annual report, the County must revise its SWMP to include a BMP that commits the County to developing interim hydromodification control criteria. The BMP must include a schedule for developing interim hydromodification control criteria, **by the end of Year 3, or by March 22, 2010**, including a period of no less than three (3) weeks to allow for Water Board staff's review of the proposed criteria. The SWMP should also explain the following: The Water Board Executive Officer will notify the County and other interested persons of the acceptability of the County's proposed interim hydromodification control criteria for new development and significant redevelopment. The Water Board shall provide interested persons the opportunity for comment and a hearing, if requested, before the Water Board if any party is aggrieved by Water Board staff's determination, prior to Water Board action being final.

Revise the SWMP to detail that any interim hydromodification control criteria (numeric and non-numeric) proposed by the County should take into account the ability to maximize infiltration of clean storm water, minimize runoff volume and rate, serve as a useful quantifiable measure of healthy watersheds, and be consistent with the intended goals of the Central Coast Water Board including, but not limited to, healthier and more sustainable watersheds by 2025. Modify the SWMP to include language stating the County will choose one of the following three options for developing interim hydromodification criteria:

Option 1:



The proposed criteria may include the following types of requirements which provide a high degree of assurance of effective hydromodification control without regard to the nuances of individual watersheds:

- For new and re-development projects, Effective Impervious Area² shall be maintained at less than five percent (5%) of total project area.
- For new and redevelopment projects that create and/or replace 5,000 square feet or more of impervious surface, the post-construction runoff hydrographs shall match within one percent (1%) the pre-construction³ runoff hydrographs, for a range of events with return periods from 1-year to 10-years.
- For projects whose disturbed project area exceeds two acres, preserve the pre-construction drainage density (miles of stream length per square mile of watershed) for all drainage areas serving a first order stream⁴ or larger, and ensure that post-project time of concentration is equal or greater than pre-project time of concentration.

OR

"As effective as" means the County may use other approaches (including other variables or numeric criteria, different than Option 1 criteria, appropriate for the County's watersheds) to control hydromodification and protect the biological and physical integrity of the County's watersheds. Other acceptable approaches to develop interim criteria that are as effective as Option 1 include:

Option 2:

Adopt and implement hydromodification criteria developed by another local municipality and approved by the Water Board, such as the criteria the Water Board adopted for the City of Salinas, as interim criteria.

OR

Option 3:

Use the following methodology to develop interim flow control and infiltration criteria:

- Identify a range of runoff flow rates for which post-project runoff flow rates and durations shall not exceed pre-development runoff rates and durations, where the increased discharge rates and durations will result in off-site erosion or other significant adverse impacts to beneficial uses. Pre-development refers to the soil type, vegetation and amount of impervious surface existing on the site prior to the development project.

² Effective Impervious Area is that portion of the impervious area that drains directly to a receiving surface waterbody via a hardened storm drain conveyance without first draining to a pervious area. In other words, impervious surfaces tributary to pervious areas are not considered Effective Impervious Area.

³ Pre-construction condition is defined as undeveloped soil type and vegetation.

⁴ A first order stream is defined as a stream with no tributaries.



- Establish numeric criteria for development projects to maximize infiltration on-site, approximate natural infiltration levels to the maximum extent practicable, and effectively implement applicable low-impact development strategies.
- Identify the projects, including project type, size and location, to which the County will apply the interim criteria. The projects to which the County will apply the interim criteria will include all those projects that will cause off-site erosion or other significant adverse impacts to beneficial uses.
- Identify methods to be used by project proponents to demonstrate compliance with the interim discharge rate and duration criteria, including continuous simulation of the entire rainfall record.
- Identify methods to be used by project proponents to demonstrate compliance with the interim infiltration criteria, including analysis of site imperviousness.

Recommendation: To facilitate effective and consistent hydromodification control criteria, we strongly suggest the county coordinate closely with the San Luis Obispo County Partners for Water Quality on development of interim and long-term hydromodification control criteria.

C. Long-Term Watershed Planning

Issue: The SWMP does not include a plan for conducting long-term watershed planning. To establish and maintain meaningful long-term hydromodification control criteria, the County must assess watershed scale issues and conditions, coordinate with other municipalities/governments within the same watershed, and specifically focus on future growth areas.

Action Required: By the next annual report, add a BMP to the SWMP to demonstrate the County will proactively work towards long-term watershed planning. The following excerpt, from Attachment 2, outlines Water Board staff's expectations for long-term watershed planning:

"[Water Board staff] expects that [the County] provide long-term watershed protection...meaning that [the County's] SWMP must include a schedule (of BMPs) to integrate all stormwater management control measures into all aspects of land use planning and development (municipal plans, policies, ordinances, codes, conditions of approval, etc.) to attain/protect healthy watersheds. Municipalities must understand the specific water quality and watershed issues in their areas, such as pollutant loading, aquatic habitat degradation, types of land uses and their impacts, trends, and the cumulative effects from multiple municipalities in a watershed. Municipalities must plan comprehensively to define their future growth, including infrastructure and redevelopment, in the context of long-term watershed protection. [Water Board staff recommends] that municipalities located in the same watershed work together and pool resources to define water quality and watershed scale issues, and assess watershed conditions, in a coordinated manner. This type of collaborative approach is being used by almost 3000 farmers in our region, as they also learn how to comply with the Water Board's requirements to define and resolve water quality and watershed scale issues. Farmers in our region established



a non-profit organization that coordinates and streamlines their compliance efforts, helps minimize costs, and helps disseminate information among farmers and between farmers and the Water Board.

[Water Board staff] acknowledges the challenge this presents, and that it will take years for municipalities to learn how to incorporate and implement these changes beyond the project or site-specific scale. It will take time to build the institutional capacity to do the work, and to measure results."

D. Development Review for Post-Construction Stormwater Management

1. Hydromodification Control Criteria for Development Review

Issue: The County has not developed a plan for institutionalizing hydromodification control criteria into the County's development review process.

Action Required: By the next annual report, revise BMP PC3 or add a new BMP to explain that the County will have adequate development review and permitting procedures to impose conditions of approval, or other enforceable mechanisms, to implement quantifiable measures (numeric criteria) for hydromodification control by the end of Year 3.

2. Projects subject to New Design Requirements

Issue: The SWMP does not identify the stage in the project planning process that will serve as the cut-off point to determine which projects will be subject to the interim hydromodification control criteria.

Action Required: By the next annual report, the County must revise the SWMP to identify the stage in the project planning, design, and funding process that the County will use as the cut-off point to determine which projects in the development review pipeline will be subject to new design requirements. For projects in the planning, design, and funding process at the time the new design requirements take effect, the County must chose a cut-off point in order to apply the new design requirements to as many projects as feasible.

E. Site Inspection and Self-Certification Requirements for Long-Term Maintenance

1. Hydromodification Control Criteria

Issue: BMP PC4 currently addresses implementation of hydromodification control criteria for sites greater than one acre in size.

Action Required: By the next annual report, modify BMP PC4 to clarify the County will monitor *all* sites meeting its applicability criteria for implementing hydromodification control criteria, not just sites greater than one acre in size.

2. Post-Construction Inspection Program

Issue: BMP PC4 does not adequately ensure that the County's post-construction inspection program includes all necessary components.



Action Required: By the next annual report, revise BMP PC4 to insure the post-construction inspection program incorporates, in addition to the existing commitments, the following components: specific timeframe after construction termination for the first post-construction site inspection; post-construction inspections for long-term maintenance of post-construction BMPs in coordination with the self-certification program; escalating enforcement procedures for noncompliance with design or operation and maintenance; and tracking system for approved treatment and flow/volume-based BMPs.

MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations

A. Completion of Measurable Goals

Issue: The County does not specifically address whether or not the measurable goals associated with BMPs MO1, MO4, MO6, MO7, MO9, and MO11 have been met.

Action Required: In the next annual report, please be more specific about whether the measurable goals associated with each BMP are met. For example, in the annual report, BMP MO6B states that the County conducted self-inspections of forty-five County facilities. It is unclear if the County inspected 100% of their facilities. Future status reports of BMPs should include a more specific analysis of BMP completion.

B. County Vehicle and Equipment Cleaning Procedures

Issue: The County states in BMP MO9 that maintenance records are not kept for the activities described in BMP MO9. Since records are not kept to track these activities, the County cannot ensure the pollution prevention measures described in BMP MO9 are completed.

Action Required: In the next annual report, describe the quality assurance plan the County uses to confirm that County staff are completing the activities on schedule and as described in BMP MO9.

Conclusion

Thank you for submitting the County's SWMP annual report. Water Board staff is available to discuss these comments and work with the County to improve the SWMP.

Some of the issues described in this letter require revisions to the County's SWMP. We require these revisions, pursuant to General Permit Section D, to ensure that the SWMP reduces the discharge of pollutants to the MEP and protects water quality. The next annual report must indicate that the County has made these required revisions. To assist Water Board staff in the FY2008/2009 annual report review process, please include a track-changes version of the County's SWMP that reflects the modifications requested in this letter.

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is not
included
in SWMP



Any person affected by this action of the Central Coast Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. To petition the State Water Board, Office of Chief Counsel, at P. O. BOX 100, Sacramento, CA 95812, must receive your petition within 30 days of the date of this letter. We can provide copies of the law and regulations applicable to filing petitions upon request or they are available at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml

If you have any questions, please contact Tamara Presser at (805) 549-3334 or at tpresser@waterboards.ca.gov, or Matt Thompson at (805) 549-3159.

Sincerely,

for Todd H. McCann
Roger Briggs
Executive Officer

Attachment 1: Central Coast Water Board's February 15, 2008 letter
Attachment 2: Central Coast Water Board's July 10, 2008 letter

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